

**MINUTES**

**MONTANA SENATE  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION**

**Call to Order:** By **CHAIRMAN KEITH BALES**, on February 10, 2003 at  
3 P.M., in Room 422 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Keith Bales, Chairman (R)  
Sen. Dale Mahlum, Vice Chairman (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Sam Kitzenberg (R)  
Sen. Walter McNutt (R)  
Sen. Linda Nelson (D)  
Sen. Gerald Pease (D)  
Sen. Corey Stapleton (R)  
Sen. Mike Taylor (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jennifer Stephens, Committee Secretary  
Doug Sternberg, Legislative Branch

**Please Note.** These are summary minutes. Testimony and discussion  
are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 181, 2/3/2003  
Executive Action:

**HEARING ON HB 181**

**Sponsor:** REP. BILL THOMAS, HD 93, HOBSON

**Proponents:** Stuart Doggett, MT Veterinary Medical Association  
Erik Sorensen, Townsend  
Dave Pauli, MT Animal Care Association, Humane  
Society of the United States  
Vicki Brester, Animal Welfare League of MT  
Gina Wiest, Lewis and Clark Humane Society  
Linda Hughes, MT Animal Care Association, Humane  
Society of Cascade County

**Opponents:** None

**Opening Statement by Sponsor:**

REP. BILL THOMAS, HD 93, HOBSON, said he is sponsoring the bill on behalf of the Montana Veterinary Medical Association. He said that since 2001, the association, along with representatives of the Humane Society, have been interested in developing a euthanasia certification program. Each year, he explained over 20,000 animals are euthanized in the state. He said that HB 181 would allow more individuals to become certified for the purpose of using modern day drugs to euthanize animals.

**Proponents' Testimony:**

Stuart Doggett, MT Veterinary Medical Association, explained that HB 181 would not change anything in the cruelty to animals provision. He said HB 181 would establish a guideline for the Board of Veterinary Medicine by outlining the regulations for certifying euthanasia technicians, Criteria for the program would include exams, qualifications, and applicant fitness. He further explained there are provisions in the bill, especially lines 17-18, that allow the Board of Veterinary Medicine to establish fees for certifying agencies and technicians. With this provision, there is no impact on the state's general fund. **Mr. Doggett** further explained that section 4 clarifies that the Board of Veterinary Medicine can only allow someone to use controlled substances in the circumstance of euthanasia. He continued to summarize various sections of the bill.

**Erik Sorensen, Townsend**, explained many methods of euthanasia are old and are now considered inhumane. He emphasized that euthanasia by lethal injection is the most humane way to put an

animal down. Because of this, **Mr. Sorensen** thinks it is important to help humane organizations and animal control facilities become certified in euthanizing animals with phenobarbital. He explained the training would not only involve instruction on how to euthanize an animal, but also would aid and prepare technicians for the emotion that is often felt when one has the responsibility of putting animals to death on a regular basis. He also pointed out that "suffering and disease" had been crossed-out in the bill because it eliminates the possibility of lay people practicing veterinary medicine by diagnosing animal diseases. He explained animals that are presented to the Humane Society are not owned by anyone; they are abandoned, stray, unwanted animals. The only judgement that needs to be made is whether they can be placed or not. If animals need care, Humane Societies are instructed to seek professional care for them as they can.

**Dave Pauli, MT Animal Care Association, Humane Society of the United States**, submitted written testimony, **EXHIBIT(ags29a01)**.

**Vicki Brester, Animal Welfare League of MT**, said she has been doing humane work since 1980 and for 14 years she has been administering euthanasia at her facility. She explained that she is able to administer euthanasia because she works under a local veterinarian. She added that the veterinarian she works for is in support of HB 181. She further explained that during her 14 years of administering euthanasia, there have been no instances of misuse.

**Gina Wiest, Lewis and Clark Humane Society**, said she is involved in administering euthanasia and currently works under the supervision of a local veterinarian. She explained that currently, in order for local people to become euthanasia technicians, they must go out-of-state for training. She emphasized that the training is extremely important. Furthermore, she added that the bill would allow shelters to become more independent.

**Linda Hughes, MT Animal Care Association, Humane Society of Cascade County**, said she employs 2 certified euthanasia technicians at the Humane Society she works at. One of the technicians was trained in Florida; the other in Idaho. She emphasized that it would be better if the state of Montana had their own program so the training would be more consistent. She also explained that when it is necessary, humane euthanasia is the best way to deal with a homeless animal or an animal that is sick and dying. She said it was the current routine at her facility to have a veterinarian come in twice a week in order to euthanize. **Ms. Hughes** knew on Tuesday and Fridays, they were

going to kill animals. She would have to figure out every Thursday night how many animals to kill the next day. She would figure this by trying to guess how many open cages they might need the next few days. **Ms. Hughes** explained how emotional it was when she would have 10 animals euthanized to allow for more room and then no animals would come in over the weekend. It made her feel like she had killed the animals unnecessarily. On the other hand, if she had two animals euthanized and then there was a deluge of new animals, there would be even more problems. She said that if HB 181 were adopted, animals would not have to be euthanized in advance; instead, animals could be put down according to how much space was available.

**Informational Testimony:**

**Dr. Jean Lindley, State Board of Veterinary Medicine**, offered to answer any questions. She also announced that the State Board of Veterinary Medicine would like to remain neutral on the bill. She submitted a written statement, **EXHIBIT (ags29a02)**.

**Questions from Committee Members and Responses:**

**SEN. KEN HANSEN** asked **Ms. Hughes** if there was a time frame regarding when animals are euthanized. **Ms. Hughes** said at one time, animals who were held in the shelter the longest were the first to be put down. Now, if the animal is adoptable and is adjusting well, they try to keep the animal longer because they are more likely to be adopted. On the other hand, if they have more animals than cages, animals have to be put down no matter if they could potentially be adopted.

**SEN. JOSEPH TROPILA** asked **Ms. Hughes** if the phenobarbital used for administering euthanasia would be in a secured place where it could only be accessed by trained personnel. **Ms. Hughes** said that the drug is kept in a very secure place.

**SEN. MIKE TAYLOR** asked **Ms. Wiest** how long the euthanasia certification training lasted. **Ms. Wiest** said it lasted 2 days. **SEN. TAYLOR** also wanted to know how much the training cost. **Ms. Wiest** said the training costs \$50 in Idaho.

**SEN. TAYLOR** asked **Dr. Lindley** what would happen if a human was accidentally injected with the phenobarbital. **Dr. Lindley** said there would not be much of an effect unless the drug was administered into a vein. She added that the drug would probably just irritate the area that received the injection. **SEN. TAYLOR** asked **Dr. Lindley** if she thought two days of training would be sufficient. **Dr. Lindley** said the board would have to look at what the training entailed. **Dr. Lindley** suggested that someone

else give the details of the training program. **Ms. Hughes** explained that she had not looked at all of the programs that are available.

**SEN. DALE MAHLUM** asked **Dr. Sorensen** if he was a practicing veterinarian. **Dr. Sorensen** said yes. He practices in Townsend.

**SEN. MAHLUM** further asked if **Dr. Sorensen** had support personnel that have not been euthanasia certified. **Dr. Sorensen** said that in the state of Montana, support personnel can be taught euthanasia training by a veterinarian. No certification process is currently needed. **SEN. MAHLUM** asked if **Dr. Sorensen** had a problem with uncertified staff performing euthanasia. He specifically mentioned if the doctor ever worried about his staff using the controlled substances inappropriately. **Dr. Sorensen** said that the improper use of controlled substances is always a concern, especially to a veterinarian because he/she is responsible for the personnel working under them.

**SEN. COREY STAPLETON** asked **Dr. Lindley** approximately how many hours a week she spent on euthanizing animals. **Dr. Lindley** said in her clinic, an average of three hours. **SEN. STAPLETON** further asked what was driving the need to take away the direct oversight of a veterinarian. **Dr. Lindley** explained that in a very rural area, there is not as great of a need for euthanasia technicians. She guessed that in a more suburban area, there would be more animals that would have to be euthanized. **SEN. STAPLETON** asked **Dr. Lindley** if she agreed that the wording of the bill would not prohibit teenagers from administering euthanasia. **Dr. Lindley** said that she hoped the bill would not allow teenagers to administer euthanasia. She also said the board would be responsible for determining who could become certified.

**SEN. MAHLUM** added to **Dr. Lindley's** answer to **SEN. STAPLETON'S** question. **SEN. MAHLUM** explained that a lot of students at veterinary school work internships with various veterinarians. The veterinarian often teaches the student the method of euthanasia. **SEN. MAHLUM** said he knows this because he has seen it on his farm.

**SEN. STAPLETON** asked **Mr. Doggett** if teenagers could be in charge of administering euthanasia. **Mr. Doggett** said that in 1997 the MT Veterinary Board came forward and presented a bill that defined what a support person working for a veterinarian could do and be in charge of. The bill passed, creating a list of tasks a support person could or could not do while under the authority of a trained veterinarian. **Mr. Doggett** explained a number of the rules and also passed out a copy of the entire rule sheet to members of the committee, **EXHIBIT(ags29a03)**.

**SEN. STAPLETON** asked if the need was great enough to allow euthanasia to be practiced without the assistance of a veterinarian. **Mr. Doggett** explained that it has been the law since 1997 that euthanasia could be administered without the assistance of a veterinarian. He also added that HB 181 really does not change what a veterinarian can do at his/her practice. The bill mainly changes the practices in humane societies, specifically allowing support staff the opportunity to become certified euthanasia technicians. **SEN. STAPLETON** asked **Mr. Doggett** if it is a good thing that support staff at humane societies be able to receive training in order to euthanize animals. **Mr. Doggett** said that it is a good thing.

**SEN. KEITH BALES** asked where in the statute is support personnel defined. **Mr. Doggett** said he would have to look up the information. **SEN. BALES** reworded the question and asked if he was at least sure that it was defined in the set of rules. **Mr. Doggett** said he was sure that the term was defined in the set of rules.

**SEN. LINDA NELSON** asked **Mr. Doggett** if the bill was brought about by the MT Veterinarian Association. **Mr. Doggett** said yes. **SEN. NELSON** further asked if most of the veterinarians in the state belonged to the association. **Mr. Doggett** said that he believed that approximately 95% of all Montana veterinarians belong to the association. **SEN. NELSON** then asked **Mr. Doggett** why there is a termination date on the bill. **Mr. Doggett** said that there are a number of board members who would like to see how the changes in HB 181 work before it becomes a permanent change in the law. The termination date would allow the board to cancel the affects of the bill if it is determined to be a poor change of the law.

**SEN. STAPLETON** asked if the sponsor would be supportive of changing the bill to require the support person who would be administering euthanasia to be an adult. **REP. BILL THOMAS** said the board might agree to make that change. He also explained that his personal experience with the board seemed to indicate that the board would not allow a minor to administer euthanasia anyway.

**Closing by Sponsor:**

**REP. BILL THOMAS** said he appreciated the committee's thoroughness. He closed by emphasizing that HB 181 is important to humanely deal with an overabundance of unwanted animals.

**EXECUTIVE ACTION ON SB 266**

**Motion:** SEN. BALES moved SB 266.

**Discussion:**

**SEN. WALTER MCNUTT** announced that he had reservations about passing the bill because of the implications of the bond. He also is concerned that passing the bill would encourage seed companies to go to other states. Because of this, he thinks SB 266 would not act as a safeguard for Montana farmers.

**SEN. KEN HANSEN** said he was concerned that the bill would limit research. He said he would not support the bill.

**SEN. MIKE TAYLOR** also is concerned that research would suffer if the bill was passed. He also emphasized that the committee had already taken a positive step by passing SJ 8.

**SEN. LINDA NELSON** said she had received a number of e-mails stating concern about genetically modified wheat. Despite her constituents concerns, she does not think that creating a bond is the solution to the problem.

**SEN. KEITH BALES** said he would like to see research continue because it might be possible for Montana's universities to create a better strain of wheat. He thinks that SB 266 would set a dangerous precedent as well as hinder research.

**Substitute Motion/Vote:** SEN. MCNUTT made a substitute motion that SB 266 BE INDEFINITELY POSTPONED. Substitute motion carried 0-1 with TROPILA voting no.

**ADJOURNMENT**

Adjournment: 4 P.M.

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SEN. KEITH BALES, Chairman

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JENNIFER STEPHENS, Secretary

KB/JS

**EXHIBIT** (ags29aad)